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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,287	10/16/2003	Shoji Kodama	16869B-080800US	9177
20350 7590 08/17/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER DAYE, CHELCIE L	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 08/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/688,287

Applicant(s)

KODAMA, SHOJI

Examiner

Chelcie Daye

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2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42, 44-50, and 52-79 is/are pending in the application.
- 4a) Of the above claim(s) 1-41 and 66-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42, 44-50 and 52-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is issued in response to applicant's RCE filed June 13, 2007.
2. Claims 1-79 are presented. Claims 43 and 51 are cancelled, and no claims added.
3. Claims 1-41 and 66-79 remain withdrawn.
4. Claims 42,44-50, and 52-65 are pending.

***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 13, 2007 has been entered.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 42,43,50,51,54-56,62-65, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayle (US Patent No. 6,356,863) filed June 1, 1999, in view of Dutta (US Patent No. 6,636,854) filed December 7, 2000.**

Regarding Claim 42, Sayle discloses a method for accessing data comprising:  
storing a plurality of files in a file server (column 1, lines 54-57, Sayle);  
providing a first export representative of contents of the plurality of files to each of a plurality of client computers (columns 1-2, lines 65-67 and 1-3, respectively, Sayle). However, Sayle is silent with respect to a second export to a search engine. On the other hand, Dutta discloses a second export to a search engine (column 5, lines 38-53, Dutta). Sayle and Dutta are analogous art because they are from the same field of endeavor of file accessing and searching. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Dutta's teachings into the Sayle system. A skilled artisan would have been motivated to combine as suggested by Dutta at column 1, lines 41-54, in order to connect a peer-to-peer network to form a distributed file-sharing system. As a result, the search requests provide a useful manner for finding new content that has not yet been indexed by the search engines. Therefore, the combination of Sayle in view of Dutta, disclose receiving a directory list request for a selected one of the first and second exports (column 9, lines 37-55, Sayle)<sup>1</sup>; in response to receiving the directory list request, producing a first directory listing that is representative of all contents of a first directory for the selected export when the

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selected export is a first export to one of the client computers (column 9, lines 56-63, Sayle); in response to receiving the directory list request, producing a second directory listing that is representative of updated contents of a second directory for the selected export when the selected export is the second export to the search engine, the updated contents representing changes to the second directory since a most recent export to the search engine, files represented in the second directory listing being further based on one or more criteria contained in a file filter table, wherein an index for the search engine is updated based on the second directory listing.

Regarding Claim 50, the combination of Sayle in view of Dutta, disclose a method for accessing data comprising:

storing a plurality of files in a file system on a file server (column 1, lines 54-57, Sayle);

providing a plurality of exports of the file system to a plurality of client computers, respectively (columns 1-2, lines 65-67 and 1-3, respectively; Sayle);

providing another export of the file system to a search engine (column 5, lines 38-53, Dutta);

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<sup>1</sup> Examiner Notes: The examiner has chosen to provide a citation for the selected one of the first export. As such, a citation is not provided for the alternative limitations, which further rely upon/discuss, the 'search engine'.

based upon receiving a directory list request for a selected one of the exports, determining whether the selected one of the exports is for one of the client computers or for the search engine (column 9, lines 37-55, Sayle)<sup>2</sup>;

producing a first directory listing that is representative of all contents of a first directory for the export if the export is for one of the client computers (column 9, lines 56-63, Sayle); and

producing a second directory listing that is representative of updated contents of a second directory for the export if the export is for the search engine, the updated contents representing changes to the second directory since a most recent export to the search engine, files represented in the second directory listing being determined based on one or more criteria contained in a file filter table, wherein an index for the search engine is updated based on information in the second directory listing.

Regarding Claim 54, the combination of Sayle in view of Dutta, disclose a method for accessing data comprising:

storing a plurality of files in a file system on a file server (column 1, lines 54-57, Sayle);

based on receiving a directory list request for a directory contained on the file server, determining if the directory list request originated from one of a plurality of client computers or a search engine using an identification attached to the directory list

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<sup>2</sup> Examiner Notes: The directory list request is for a selected one of the exports for one of the client computers and therefore, the citation is provided to disclose such limitation. A citation has not been provided for the alternative limitations, which further rely upon/discuss, the 'search engine'.

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request (columns 1-2, lines 65-67 and 1-3, respectively and column 9, lines 37-55, Sayle)<sup>3</sup>;

producing a first directory listing that is representative of all contents of the directory if the directory list request is from one of the plurality of client computers (column 9, lines 56-63, Sayle); and

producing a second directory listing that is representative of updated contents of the directory if the directory request is from a search engine, the updated contents representing changes to the second directory since a most recent export to the search engine, files represented in the second directory listing being further determined based on one or more criteria contained in a file filter table, wherein an index for the search engine is updated based on information in the second directory listing.

Regarding Claim 55, the combination of Sayle in view of Dutta, disclose the method wherein the identifier is an internet protocol (IP) address (column 3, lines 19-37, Sayle).

Regarding Claims 56 and 65, the combination of Sayle in view of Dutta, disclose in a file server, a method for providing access to files contained in the file server comprising:

organizing the files in a file system (column 1, lines 54-57, Sayle);

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<sup>3</sup> Examiner Notes: The directory list request is for a selected one of the exports for one of the client computers and therefore, the citation is provided to disclose such limitation. A citation has not been provided for the alternative limitations, which further rely upon/discuss, the 'search engine'.

providing access to the file system to a search engine (column 6, lines 24-26 and column 7, lines 46-50, Dutta) and a plurality of client computers (columns 1-2, lines 67 and 1-3, respectively, Sayle);

storing information representative of the search engine (column 7, lines 30-39, Dutta) and the plurality of client computers (column 1, lines 54-57, Sayle);

receiving a directory list request for a first directory stored on the file server (column 9, lines 37-55, Sayle);

producing a first directory listing that is representative of all contents of the first directory if the directory list request originated from one of the plurality of client computers as determined using the stored information (column 9, lines 56-63, Sayle); and

producing a second directory listing that is representative of updated contents of the first directory if the directory list request originated from the search engine as determined using the stored information, the updated contents representing changes to the second directory since a most recent export to the search engine, files represented in the second directory listing being further determined based on one or more criteria contained in a file filter table.

Regarding Claim 62, the combination of Sayle in view of Dutta, disclose the method further comprising providing exports to the search engine (column 5, lines 38-53, Dutta) and the plurality of client computers (columns 1-2, lines 65-67 and 1-3, respectively, Sayle).



Regarding Claims 63 and 64, the combination of Sayle in view of Dutta, disclose the method wherein the source address is an IP address (column 3, lines 19-37, Sayle).

Regarding Claim 65, the combination of Sayle in view of Dutta, disclose a file server comprising:

storage for storing a plurality of files (column 1, lines 54-57, Sayle);  
a file filter table (column 9, lines 3-8, Dutta); and  
a file server controller, the file server controller configured to perform the method steps of claim 56 (column 10, lines 23-36, Sayle).

**7. Claims 44-49,52,53,and 57-61, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayle (US Patent No. 6,356,863) filed June 1, 1999, in view of Dutta (US Patent No. 6,636,854) filed December 7, 2000, and further in view of Hill (US Patent No. 7,020,658) filed June 4, 2001.**

Regarding Claim 44, the combination of Sayle in view of Dutta, disclose the method having the one or more criteria. However, Sayle in view of Dutta are silent with respect to the criteria based on one or more of file types; file owner information; file creation dates; and file sizes. On the other hand, Hill discloses the criteria based on one or more of file types; file owner information; file creation dates; and file sizes (Fig.14, Hill). Sayle, Dutta, and Hill are analogous art because they are from the same field of

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endeavor of file management systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Hill's teachings into the Sayle and Dutta system. A skilled artisan would have been motivated to combine as suggested by Hill at columns 2-3, lines 58-67 and 1-11, in order to easily and effortlessly identify unwanted/wanted files. As a result, causing the system to decrease intensive labor and improve efficiency.

Regarding Claim 45, the combination of Sayle in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table comprises one or more file types which indicate whether files are to be excluded from the second directory listing (Fig.15; column 16, lines 45-53, Hill).

Regarding Claim 46, the combination of Sayle in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table further comprises one or more of file owner information, file creation dates, file sizes (Fig.14, Hill).

Regarding Claims 47-49, the combination of Sayle in view of Dutta, and further in view of Hill, disclose the method wherein the file filter specifies which files are to be included in the second directory listing and which files are to be excluded from the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

Regarding Claims 52 and 53, the combination of Sayle in view of Dutta, and further in view of Hill, disclose the method wherein the file filter specifies which files are to be included and excluded in the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

Regarding Claim 57, the combination of Sayle in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table comprises one or more file types which indicate, by file type, whether files are to be excluded from the second directory listing (Fig.15; column 16, lines 45-53, Hill).

Regarding Claim 58, the combination of Sayle in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table further comprises one or more of file owner information, file creation dates, file sizes (Fig.14, Hill).

Regarding Claims 59,60, and 61, the combination of Sayle in view of Dutta, and further in view of Hill, disclose the method wherein the file filtering table comprises one or more criteria which indicate whether a file is to be excluded from the second directory listing and indicate whether a file is to be included in the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

***Response to Arguments***

Applicant's arguments with respect to the newly amended claims have been considered but are moot in view of the new ground(s) of rejection.

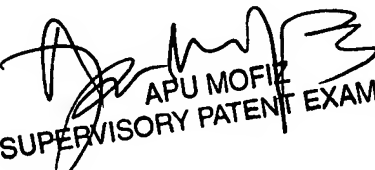
***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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August 14, 2007

  
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